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Attorneys for Defendant
ALIENWARE CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HARRY OESTREICHER, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

ALIENWARE CORPORATION and
DOES 1-100, inclusive,

Defendants.

Case No. C07-0512 MHP

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING THE EARLY
NEUTRAL EVALUATION PROCESS
UNTIL AFTER THE RULING ON
DEFENDANT ALIENWARE'S PENDING
MOTION TO STAY PENDING APPEAL**

Pursuant to Civil Local Rules 6-1, 6-2 and 7-12, Defendant Alienware Corporation
("Alienware") and Plaintiff Harry Oestreicher ("Plaintiff"), by and through their respective
counsel, hereby stipulate as follows:

1. On August 10, 2007, the Court entered an order ("Arbitration Order") denying
Alienware's motion to stay these proceedings and compel arbitration of Plaintiff's claims.

STIP. & ~~PROPOSED~~ ORDER EXTENDING ENE
PROCESS UNTIL AFTER RULING ON MOTION TO STAY
- Case No. C07-0512 MHP

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1 Alienware has appealed the Arbitration Order and has moved this Court to stay proceedings
 2 herein pending resolution of that appeal by the Ninth Circuit. Plaintiff has filed an opposition to
 3 that motion. The Court has taken Alienware's request for a stay pending appeal under
 4 submission, but has not yet ruled on the matter.

5 2. Pursuant to prior stipulation and Court order, the parties are required to complete
 6 the Early Neutral Evaluation process by November 8, 2007, 90 days from the entry of the
 7 Arbitration Order.

8 3. William F. Alderman, Esq. was appointed Early Neutral Evaluator and held a
 9 conference call on September 24, 2007, with counsel for all parties present. On this call, the
 10 parties agreed that it would promote efficiency to postpone Early Neutral Evaluation to within 90
 11 days of issuance of the Court's order on Alienware's pending motion to stay proceedings.

12 4. Mr. Alderman had no objection to the parties' decision to postpone Early Neutral
 13 Evaluation.

14 5. The parties have therefore stipulated that Early Neutral Evaluation shall be
 15 completed within 90 days of the Court's order resolving Alienware's pending motion to stay
 16 these proceedings if such motion is denied by the Court.

17 IT IS SO STIPULATED.

18 I, C. Brandon Wisoff, attest that concurrence in the filing of the above stipulation and
 19 [proposed] order has been obtained from counsel for Plaintiff and from Mr. Alderman as the
 20 Early Neutral Evaluator.

21 DATED: September 24, 2007

22 By: _____/s/
 23 C. Brandon Wisoff
 FARELLA BRAUN & MARTEL LLP

24 Kim E. Brightwell, Esq.
 25 *Pro Hac Vice*
 REEVES & BRIGHTWELL LLP

26 Attorneys for Defendant
 27 ALIENWARE CORPORATION
 28

1 DATED: September 24, 2007

By: _____/s/
Jonathan Selbin
LIEFF CABRASER, HEIMANN &
BERNSTEIN LLP

David Meyer
DAVID P. MEYER & ASSOCIATES CO.,
LPA

Behram Parekh
KIRTLAND & PACKARD LLP

Attorneys for Plaintiff
HARRY OESTREICHER

8 NO OBJECTION.

9 DATED: September 24, 2007

ORRICK, HERRINGTON & SUTCLIFFE
LLP

12 By: _____/s/
William F. Alderman

Early Neutral Evaluator

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

17 DATED: 10/26/2007 _____

